



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-99-5634

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: Heavylift-VolgaDnepr Ltd.

Date Filed: May 5, 1999

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Moffett Field, CA, and Cape Canaveral, FL, on or about May 11, 1999, using its AN-124 aircraft, to transport one outsized satellite and related equipment on behalf of Space Systems Loral, Inc. The applicant stated that the charterer had experienced unexpected production delays in completing the satellite, that surface transportation was not feasible because of the time involved and the adverse effect a long road trip would have on the the satellite, and that air transportation was urgently required to meet scheduled launch deadlines.

Applicant representative: Lester Bridgeman (334) 432-1414

Responsive pleadings: Heavylift-VolgaDnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority to Heavylift-VolgaDnepr.

DISPOSITION

Action: Approved

Action date: May 7, 1999

Effective dates of authority granted: May 11-14, 1999

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Heavylift-VolgaDnepr's request would prevent undue hardship to the cargo and Space Systems Loral.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Heavylift-VolgaDnepr comply with an FAA-approved flight routing for the authorized flight

Action taken by: A. BRADLEY MIMS
Acting Assistant Secretary for Aviation
and International Affairs